

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 16, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Superintendent Strittmatter and Executive Secretary Neal were also in attendance.

John Barnett, Trevor Vance, Bart Herriman, Mark Oprisko, Cheryl Oprisko, Mark Webb and Matt Brase were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the August 2, 2011 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the August 16, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the August 16, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

RR84-03099 JERRY'S HIDEAWAY - Commissioner Guthrie stated he was the hearing judge in this matter. He tabled this until the next meeting.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a

Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred seventy-four (474) permits approved for renewal, forty-seven (47) new and/or transfer permits approved, eleven (11) permits approved for catering, three (3) permits approved for first year escrow, one (1) permit approved for second year escrow, one (1) permit approved for third year escrow, and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-26553 MARK O'S BAR & GRILL II, INC. – Commissioner Guthrie noted this is a type 210 transfer of ownership and location with the local board voting two (2) to two (2).

Commissioner Guthrie stated the local board members who recommended denial cited no desire in the community as reason for not approving the permit. The Excise officer recommended approval.

Commissioner Guthrie moved to approve the transfers. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-19528 SPACES, LLC – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR18-07526 JIMMY HERBERT - Commissioner Guthrie noted this is a type 210 transfer of ownership and location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited no need and desire for the permit as reason for their recommendation.

Commissioner Guthrie moved to uphold the local board and disapprove the transfers. Commissioner Sturtz seconded. The motion was unanimously approved.

DL50-28005 SPEEDWAY, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated there were no remonstrators present; therefore, no evidence was presented against the issuance of this permit.

Commissioner Guthrie moved to reverse the local board and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR12-18385 HG GOLF PROPERTIES, LLC – Commissioner Guthrie noted this is a type 210 transfer of ownership with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Commissioner Sturtz seconded. The motion was unanimously approved.

DL32-27791 MURPHY OIL USA, INC. – Commissioner Guthrie noted this is a new type 104 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie stated the recommendation to deny was from the Excise officer. The officer stated this establishment does not meet the definition of a grocery store and also that the applicant wants to place the permit into escrow, if approved, until Indiana approves the sale of cold beer in grocery stores.

Commissioner Guthrie moved to reverse the local board and deny the new application. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make one hundred nine (109) permits inactive. Sixty-eight (68) permits are not subject to auction and forty-one (41) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

BRIAN G. WILLIAMS TYPE II GAMING DISTRIBUTOR APPLICATION – Vice Chairman Johnson stated this is an application for a type II gaming distributor. The applicant failed to disclose convictions he has had, one being a felony, within the last ten (10) years.

Vice Chairman Johnson moved to deny this application. Commissioner Guthrie seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER